

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RYAN CHARLES WEAVER,

Plaintiff,

v.

Case No. 24-cv-428-pp

WISCONSIN DEPARTMENT
OF CORRECTIONS, *et al.*,

Defendants.

**ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR LEAVE TO
PROCEED WITHOUT PREPAYING FILING FEE (DKT. NO. 2) AND
DISMISSING CASE WITHOUT PREJUDICE FOR PLAINTIFF'S FAILURE TO
PAY INITIAL PARTIAL FILING FEE AND FAILURE TO COMPLY WITH THE
COURT'S ORDER**

On April 11, 2024, the court ordered that by the end of the day on May 2, 2024, plaintiff Ryan Charles Weaver either must pay an initial partial filing fee of \$18 or explain why he could not do so. Dkt. No. 5. The court advised the plaintiff that if it “[did] not *receive* the initial partial filing fee (or the plaintiff’s request for an extension of time)” by May 2, 2024, “the court [would] conclude that the plaintiff [did] not want to continue with the lawsuit and [would] dismiss the lawsuit without prejudice.” Id. at 4. The court twice granted the plaintiff’s motions to extend his deadline, most recently ordering him to pay the initial partial filing fee by the end of the day on June 13, 2024. Dkt. Nos. 7, 9.

The June 13, 2024 deadline has passed, and the plaintiff has neither paid the initial partial filing fee nor explained why he cannot. Nor has the court received a third request from the plaintiff to extend his deadline to pay the fee.

The court will enforce its April 11, 2024 order and will dismiss the case without prejudice for the plaintiff's failure to pay the initial partial filing fee. He remains obligated to pay the \$350 filing fee.

The court **DENIES AS MOOT** the plaintiff's motion for leave to proceed without prepayment of the filing fee. Dkt. No. 2.

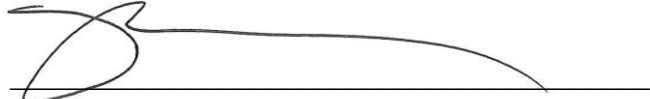
The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff's failure to pay the initial partial filing fee and failure to comply with the court's order. The clerk will enter judgment accordingly.

The court **ORDERS** that in accordance with 28 U.S.C. §1915(b)(1), the plaintiff is required to pay the mandatory \$350 statutory filing fee. The court **ORDERS** that the agency that has custody of the plaintiff must collect from his institution trust account the **\$350** filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the plaintiff's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The agency must clearly identify the payments by the case name and number. If the plaintiff transfers to another county, state or federal institution, the transferring institution must forward a copy of this order, along with the plaintiff's remaining balance, to the receiving institution. The court will send a

copy of this order to Green Bay Correctional Institution, where the plaintiff is confined.

Dated in Milwaukee, Wisconsin this 28th day of June, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge